

INITIAL STATEMENT OF REASONS

- a) Specific Purpose of the Regulations and Factual Basis for Determination that Regulations Are Necessary

Section 40-105.331(c)

Specific Purpose:

This section is being adopted to add another condition for a person to be exempt from Statewide Fingerprint Imaging System (SFIS) requirements for up to 60 days. This section explains that a person who has a home visit to complete their face-to-face interview shall complete their fingerprint and photo imaging requirement through the use of a mobile SFIS device. This regulation goes on to specify that if the county does not have a mobile SFIS device, or if they experience technical difficulties with the mobile SFIS device, SFIS requirements can be postponed for these individuals for not more than 60 days.

Factual Basis:

The primary purpose of this regulation package is to clarify that home visits may be used as a reasonable accommodation when applicants cannot come into the office to complete their face-to-face interview due to a physical or mental impairment. This section is necessary in order to fully accommodate these individuals, by allowing them to be temporarily exempt from coming in to the office to complete the SFIS requirements. This section is necessary to fully implement Welfare and Institutions Code section 10830(e)(1), which is currently implemented by All County Letter No. 15-31, dated March 19, 2015. These regulations are neither inconsistent nor incompatible with existing state regulations. This determination was made based on the fact that this regulatory change is to clarify what is currently lacking in regulations. Furthermore, this change will only apply to a very specific segment of the California Work Opportunity and Responsibility to Kids (CalWORKs) population.

Section 40-131.2

Specific Purpose:

This section is amended to refer to Section 40-161, the home visit regulations, because both of these sections refer to instances when an applicant needs accommodation to meet the CalWORKs application interview requirements.

Factual Basis:

This section currently describes what to do when an applicant is unable to participate in an interview. This amendment adds a cross-reference to Section 40-161, which describes using a home visit to meet the face-to-face interview requirement when the applicant is unable to come into the county office to complete the interview. This cross-reference is necessary to maintain clarity and consistency within the regulations.

Section 40-161.1 Renumbered from Section 40-161

Specific Purpose/Factual Basis:

This section is renumbered from Section 40-161 to Section 40-161.1 in order to accommodate an additional paragraph in this section. The purpose of this amendment is to renumber the regulations for clarity and consistency, but has no regulatory impact.

Section 40-161.2

Specific Purpose:

This section is added to the regulations in order to specify that a home visit may also be used as reasonable accommodation to complete the face-to-face interview requirement for applicants (as described in Section 40-131.11) when an applicant is unable to attend a face-to-face interview in the county office due to a physical or mental impairment, or other extreme circumstances, including but not limited to, the inability to access adequate transportation where the county office is located a considerable distance from the applicant's residence.

Factual Basis:

This section is necessary to ensure county workers are informed that home visits are not exclusively used to determine eligibility factors; they may also be used as a reasonable accommodation for applicants who cannot come in to the county office to complete their required face-to-face interview due to a physical or mental impairment or other extreme circumstances. While counties already accommodate clients through the use of home visits, welfare advocates brought to the Department's attention that this policy needed to be solidified in regulations, rather than left to county discretion, in order to ensure that CalWORKs applicants in all counties are consistently given reasonable accommodation for the interview requirements. This section is necessary in order to fully implement Government Code section 11135, as currently implemented by All County Letter No. 15-31, dated March 19, 2015. These regulations are neither inconsistent nor incompatible with existing state regulations. This determination was made based on the fact that this regulatory change is to clarify what is currently lacking in regulations. Furthermore, this change will only apply to a very specific segment of the CalWORKs population.

b) Identification of Documents Upon Which Department Is Relying

All County Letter No. 15-31; Government Code sections 11135 and 12926; and Welfare and Institutions Code section 11052.5.

c) Local Mandate Statement

These regulations do not impose a mandate upon local agencies or on school districts. There are no "state-mandated local costs" in these regulations which require state reimbursement under Section 17500 et seq. of the Government Code because any costs associated with the implementation of these regulations are costs mandated by the federal government within the meaning of Section 17513 of the Government Code.

d) Statement of Alternatives Considered

The CDSS has made an initial determination that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective as and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. To date, no reasonable alternatives have been presented for review.

There is no negative effect of this regulatory action. This regulatory action is simply giving counties more administrative flexibility without applying a mandate on counties. This regulatory action is providing flexibility and consistency, which is beneficial for both applicants of CalWORKs and county workers.

e) Statement of Significant Adverse Economic Impact On Business

The CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This determination was made based on the fact that this regulatory change is only clarifying that counties have the option to use home visits to complete the intake interview requirement of a face-to-face interview. This additional flexibility will benefit clients without putting a mandate on county workers. Additionally, counties have stated that they are already utilizing this flexibility; CDSS is just specifying this option in the regulations in order to help ensure consistency from county to county.

f) Economic Impact Assessment

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California. This regulatory action is simply giving counties more administrative flexibility regarding the use of home visits, while helping to ensure the consistent reasonable accommodation of CalWORKs applicants from county to county.

The Creation or Elimination of Jobs Within the State of California

These proposed regulations ensure that county workers are informed that home visits may be used as a reasonable accommodation to complete the face-to-face interview requirement for CalWORKs applicants that have a mental or physical impairment or other extreme circumstances that makes it difficult or impossible to come into the county office. The Department has determined that this regulatory proposal will not have an impact on the creation or elimination of jobs in the State of California. This regulatory action is simply giving counties more administrative flexibility regarding the use of home visits, while helping to ensure the consistent reasonable accommodation of CalWORKs applicants from county to county.

The Creation of New Businesses or the Elimination of Existing Businesses Within the State of California

These proposed regulations ensure that county workers are informed that home visits may be used as a reasonable accommodation to complete the face-to-face interview requirement for CalWORKs applicants that have a mental or physical impairment or other extreme circumstances that makes it difficult or impossible to come into the county office. The Department has determined that this regulatory proposal will not have an impact on the creation or elimination of existing businesses within the State of California. This regulatory action is simply giving counties more administrative flexibility regarding the use of home visits, while helping to ensure the consistent reasonable accommodation of CalWORKs applicants from county to county.

The Expansion of Businesses Currently Doing Business Within the State of California

These proposed regulations ensure that county workers are informed that home visits may be used as a reasonable accommodation to complete the face-to-face interview requirement for CalWORKs applicants that have a mental or physical impairment or other extreme circumstances that makes it difficult or impossible to come into the county office. The Department has determined that this regulatory proposal will not have an impact on the expansion of businesses currently doing business within the State of California. This regulatory action is simply giving counties more administrative flexibility regarding the use of home visits, while helping to ensure the consistent reasonable accommodation of CalWORKs applicants from county to county.

Benefits of the Regulations to the Health and Welfare of California Residents, Worker Safety, and the State's Environment

The benefits of the regulatory action to the health and welfare of California residents, worker safety, and the state's environment are as follows: this regulatory action will clarify in regulation that home visits may be used as a reasonable accommodation to complete the face-to-face interview requirement for CalWORKs applicants that have a mental or physical impairment or other extreme circumstance that makes it difficult or impossible to come into the county office. This will ease the burden of the application process on people with a mental or physical impairment and help ensure that all people can get access to the benefits that they are entitled to. Further, by giving counties more administrative flexibility regarding the use of home visits and helping to ensure the consistent reasonable accommodation of CalWORKs applicants from county to county, this regulatory action benefits both county workers and CalWORKs applicants.

The following documents were relied upon in proposing the regulatory action: Welfare and Institutions Code section 11052.5; Government Code sections 11135 and 12926; and All County Letter No. 15-31.

g) Benefits Anticipated from Regulatory Action

This regulatory action will help accommodate people who have a mental or physical impairment or other extreme circumstance, for whom it is difficult or impossible to come in to the county office to complete the face-to-face interview that is required of all CalWORKs applicants. By specifying that a home visit may be used to accommodate this population, this regulatory action will help ensure that all people can get access to the benefits that they are entitled to. This regulatory action will further ensure that CalWORKs applicants in all counties are consistently given reasonable accommodation for the interview requirements.

h) Statement of Specific Technology or Equipment

This regulatory action will not mandate the use of new, specific technologies or equipment.